

CALIFORNIA COASTAL COMMISSION

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Staff: DL-LB
Staff Report: February 24, 2005
Hearing Date: March 16-18, 2005
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-04-451

APPLICANT: Calafia Partners, LLC

AGENT: Dennis Neff

PROJECT LOCATION: 101 Avenida Calafia, City of San Clemente, Orange County

PROJECT DESCRIPTION: Construction of two new 38-foot high commercial office buildings totaling 12,300 sq.ft. with 41 parking spaces on a 26,104 sq.ft. lot. Approximately 430 cu.yds. of soil export is proposed for parking garage excavation.

LOCAL APPROVALS RECEIVED: City of San Clemente City Council Adoption of Resolution No. 04-064 on 11/3/04, Planning Division Approval in Concept dated 11/23/04.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with six (6) special conditions which 1) establishes a permanent view arc for the protection of public views across the site; 2) requires submittal of a revised landscape plan limiting encroachment into the view arc; 3) informs the applicant that any future change in the density or intensity of use of the site will require a permit amendment or new permit; 4) requires use of construction best management practices (BMPs); 4) requires the debris disposal site to be located outside of the coastal zone; 5) requires submittal of a water quality management plan; and 6) requires a deed restriction recording the permit. The major issues associated with this development are visual quality, parking and water quality.

LIST OF EXHIBITS:

1. Location Map
2. Assessor's Parcel Map
3. Coastal Access Map
4. Scenic Corridor Map
5. Project Plans/View Arc
6. Landscape Plan Revisions

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve CDP No. 5-04-451 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS:

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Submittal of Revised Plans

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of revised site plans, in substantial conformance with the plans submitted with this application by Michael Luna & Associates dated 10/4/04, that demonstrate the following in order to minimize the obstruction of public views across the site:

- a. The trash enclosure shall be relocated as close to Building A as possible.
- b. No permanent improvement other than the proposed parking lot, and signs, planters, benches, trash receptacles, water features, and landscape walls that shall not exceed a height of 36 inches above finished grade, and the landscaping identified on the revised planting plan approved by the Executive Director pursuant to Special Condition 2 of this permit, shall be sited within the view arc, as generally depicted in Exhibits 5 & 6 of the staff report dated February 24, 2005.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Submittal of Revised Planting Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full sized sets of a revised planting plan prepared by an appropriately licensed profession that are in substantial conformance with the plans submitted with this application by R. Dale Hadfield dated 11/12/03, but that are revised as follows:

1. As depicted on Exhibit 6 of the staff report dated February 24, 2005, six of the specific trees originally proposed in the parking lot shall be eliminated. An additional three specific trees shall be replaced with Mexican Blue Palm trees consistent with the proposed palms on the rest of the site. Eliminated trees may be replaced elsewhere on the site adjacent to the approved buildings and outside of the view arc established per Special Condition 1 of this permit.
2. To minimize the need for irrigation, landscaping shall consist of native and/or drought tolerant non-invasive plant species;
3. All planting will be completed within 60 days after completion of construction;

4. All required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, will be replaced with new plant materials to ensure continued compliance with the landscape plan;

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Future Improvement/Parking

This permit is only for the development described in coastal development permit #5-04-451. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by coastal development permit No. #5-04-451. Accordingly, any future improvements to the commercial building authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. #5-04-451 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain leading to the ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition 5.

5. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the

disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

6. Submittal of a Water Quality Management Plan

A. The applicant shall implement structural and/or non-structural Best Management Practices (BMPs) designed to minimize pollutant loads contained in runoff prior to entering the storm water conveyance system and to maintain post-development peak runoff rate and average volume from the site at levels similar to pre-development conditions, to the extent feasible. The BMPs may include, but are not limited to:

- (i) Design elements that serve to minimize directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers for walkways, and/or porous material for or near walkways and driveways;
- (ii) Sweep parking lot(s) with a vacuum regenerative sweeper on a regular (no less than monthly) basis;
- (iii) Installation of catch basin inserts or vegetative or other media filtration devices effective at trapping and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals and particulates, in addition to trash and large debris. Selected BMPs shall be of a design capacity capable of mitigating (infiltrating or treating) stormwater runoff from each runoff event up to and including the 85th percentile 24-hour runoff event;
- (iv) Routine maintenance, including inspection and regular cleaning of approved BMPs, to ensure their effectiveness prior to, and during, each rainy season from October 15th through April 31st of each year. Debris and other water pollutants contained in BMP device(s) will be contained and disposed of in a proper manner on a regular basis. All BMP traps/separators and/or filters must be cleaned prior to the start of the winter storm season, no later than October 15th each year. The BMPs shall be maintained to uphold their functionality.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan indicating the type(s) of BMPs to be installed, sizing specifications where applicable, and the locations where the BMPs will be installed.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

7. Restrictions on Development Within the View Arc

No permanent improvement other than the proposed parking lot, and signs, planters, benches, trash receptacles, water features, and landscape walls that shall

not exceed a height of 36 inches above finished grade, and the landscaping identified on the revised planting plan approved by the Executive Director pursuant to Special Condition 2 of this permit, shall be sited within the view arc, as generally depicted in Exhibits 5 & 6 of the staff report dated February 24, 2005. The trash enclosure on the site shall be sited as close to Building A as possible.

8. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is a roughly triangular-shaped vacant lot located at the corner of Avenida Calafia and Avenida Del Presidente, just across the street and directly south of the Calafia off-ramp from the Interstate 5 Freeway. The 26,104 sq.ft. site is relatively flat, sloping gently downward from Del Presidente toward the ocean to the west and south. The San Clemente Inn abuts the subject property to the south and southwest, and the San Clemente State Beach Park is located beyond that. Residential development is located to the northwest, and I-5 to the North. The site is designated CC3 (Community-Serving Commercial) in the City's General Plan and certified Land Use Plan (LUP). The proposed office building is consistent with this designation. The nearest coastal access is available via an at-grade railroad crossing at San Clemente State Beach approximately 1/2 of a mile southwest of the subject site (Exhibit 3).

The proposed project consists of construction of two 38-foot high commercial office buildings with both subterranean garages and surface level parking providing 41 parking spaces. Building A is proposed to be 6,293 sq.ft., and Building B will be 6,007 sq.ft. The project architecture is a traditional Spanish style, and a native California landscape plant

palette is proposed for the 8,466 sq.ft. of landscaping. Approximately 430 sq.ft. of export is required to prepare the site for development. Special Condition 5 requires that the exported material either be disposed of outside of the coastal zone, or a separate permit for disposal be obtained.

B. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the City's certified LUP contains many goals and policies regarding the preservation of views and the aesthetic quality of the coastal zone. These policies include:

302. COASTAL LAND USE GOALS AND POLICIES

G. PLANNING AND NEW DEVELOPMENT

Policy

VII.4 The City's Coastal Development Permit process shall apply to all commercial and industrial developments within the Coastal Zone, as well as any residential development located along a coastal canyon or bluff (including public parking structures). The Coastal Development Permit process shall address itself to the potential for obstruction of public views and the potential for altering or degrading an established public view. The standard of review shall be as follows:

- a. Permitted development shall be sited and designed to protect views to and along the ocean and to scenic coastal areas, such as bluffs and canyons.
- b. Permitted development shall be visually compatible with the character of the surrounding area.
- c. Permitted development shall, where feasible, restore and enhance visual quality in visually degraded areas.

VII.18 All proposed large scale development projects which have, or will have, ocean views shall prepare an analysis of the effect of the proposed project on public views. This analysis shall pictorially or photographically indicate the

proposed site in its current state and compare it with an illustration showing the proposed building volume (at the same scale) in its proposed location.

305. COASTAL VISUAL AND HISTORIC RESOURCES GOALS AND POLICIES

A. VISUAL RESOURCE POLICIES

Policy Intent

Plan policy provides for maintaining the visual character and aesthetic resources of the City through the preservation of: open space areas, coastal bluffs and canyons and public view corridors.

Policies

- XII.4 Provide simple design statements such as monument signs and/or plantings to designate key entry points into the scenic highway system (GP Policy 5.1.4).
- XII.5 Preserve the aesthetic resources of the City, including coastal bluffs, visually significant ridgelines, and coastal canyons, and significant public views (GP Policy 10.2).
- XI1.9 Promote the preservation of significant public view corridors to the ocean (GP Policy 10.2.7).

405. COASTAL VISUAL AND HISTORIC RESOURCES

A. VISUAL RESOURCES

Maintain visual resources within the City's Coastal Zone through the following measures:

1. Where applicable, require new development to provide viewshed analysis analyzing the impacts of public views to the ocean and natural canyon areas.
2. Utilize the City's Design Review process to evaluate developments within visual/scenic corridors. Proposed developments shall be analyzed by criteria established in the Master Landscape Plan for Scenic Corridors as well as other relevant City standards and guidelines.

The Scenic Highways element of the City's general plan designates the southbound Interstate 5 off-ramp located just north of the subject site as "Primary City Entrance from 5 Freeway" (Figure 5-1). The Scenic Highways element contains the following

goals and policies:

A. Preservation And Creation Of Visual Corridors

Goal

Maintain the visual quality and scenic views along designated corridors where they contribute and become an essential part of the community's urban fabric.

Objective

- 5.1 Enhance existing view corridors along scenic corridors and identify opportunities for the designation of new corridors.

The subject project is the construction of two new 38-foot high commercial office buildings totaling 12,300 sq.ft. with both surface and subterranean parking. The currently vacant lot is located on the corner of Avenida Calafia and Avenida Del Presidente, across the street and directly south of the Calafia off-ramp from southbound Interstate 5. The site is highly visible from Interstate 5 and the off-ramp, and blue-water ocean views are available from all across the site from the surrounding public streets and sidewalks; although, the panoramic view is interrupted by existing landscaping, and, to a lesser extent, the buildings located on the lots west of the subject site, which are at a significantly lower elevation than the subject lot.

The project received detailed review at the local level regarding the appearance of the proposed structures. As proposed, the buildings would be constructed in a style reflecting traditional Spanish architecture, and incorporates one and two story building elements, offset and articulated to reduce apparent building mass. The buildings would be further broken up with varying rooflines, deck elements and stone wall accents. The corner of the subject property facing the intersection of the Calafia off-ramp is proposed to be enhanced with natural looking stone bench seating and a native California landscape plant palette. The draft landscaping plan provides for substantial amounts of landscaping, including mature trees located around the perimeter of the site.

However, the City's analysis did not specifically define or protect ocean views across the site. Because views of the ocean are available from all across the site, clearly any structure located on the lot would have some impact on views. However, the project has been designed with one office building located on the northern side of the site, and the other on the southern side of the site, which will leave a large view corridor down the middle of the site. In addition, the proposed development involves far less build-out of the site than would be permitted under the City's zoning standards for the CC3 zoning district, as shown in the following table:

Development Standard	Required	Proposed
Setbacks (Min.)		
Front	0'	12''
Side	0'	5'/5'
Rear	0'	5'
Lot Coverage (Max.)	80%	27%
Floor Area Ratio (Max.)	0.70	0.47
Height (Max.)	45' 3 stories max.	38' 2 stories
Landscaping (Min.)	10% of ground level lot area	32% of ground level lot area

Thus, in general, the siting of the development will preserve public views across the site toward the ocean to the extent feasible. However, as noted, the proposed landscaping plan includes the placement of large, specimen size trees all around the site, which would significantly reduce or eliminate public views across the site. In addition, a trash enclosure is also proposed in the parking lot between the two buildings, which would potentially block public views.

Using landscaping to both soften views of the proposed structures and provide a vertical design element on the site are important to maintaining the aesthetic qualities of the area. However, the subject site is one of the few areas in the City's coastal zone where the ocean is visible from the vicinity of the freeway. In fact, these are some of the last views the public traveling north along this major highway have of the coastline for several hundred miles. Furthermore, these views are some of the only views the public has of the coastline from the highway in San Clemente. The Commission has required the preservation of views from the freeway in permit approvals in San Clemente, including the Marblehead project located a few miles upcoast of this site (CDP 5-03-013). As noted above, the adjacent off-ramp is designated in the certified LUP (by reference) as a "Primary City Entrance" which is considered worthy of special view protection. The Commission has also sought protection of public views of the ocean available from local streets. The subject site presents a prime opportunity for designation of a new public view corridor.

In order to ensure that public views across the site are protected, Special Condition 1 establishes a permanent view arc across the site, as shown in Exhibit 5, and as discussed below, requires modifications to the proposed plan to protect these views. Special Condition 2 requires revised landscape plans that limit the number and type of trees permitted within the view arc. Specifically, as shown on Exhibit 6, as conditioned, six of the nine trees proposed to be located within the view arc would be eliminated, and the remaining three must be Mexican Blue Palms, consistent with the palms proposed elsewhere on the site. These fan palms, native to Mexico, are drought-tolerant and reach 40 feet in height. Thus, at maturity, these species should have a limited impact on views across the site. Replacement plantings for the eliminated trees may only consist of shrubs, bushes and ground cover, consistent with the drought-tolerant, non-invasive plants proposed on the remainder of the site. There would still be no fewer than 17 trees on the

site, and additional trees may be located along the front, back, or sides of the buildings, as long as there is no encroachment within the view arc.

Special Condition 1 also requires that the proposed trash enclosure be relocated to be as close as possible to Building A to reduce or eliminate the encroachment into the view arc. Minor improvements up to 36 inches in height, such as planters, benches, water features, etc. would be permitted. Special Condition 7 memorializes the restrictions on development within the view arc. Special Condition 8 has also been attached to require the property to record a deed restriction against the property so as to notify all future property owners of the terms and conditions of approval to which they will also be responsible to adhere to.

In summary, with certain exceptions noted above, the proposed development has been designed to minimize impacts to public views. As conditioned, the project will preserve and protect significant public views to the ocean, and will enhance the aesthetic resources of the City, consistent with Section 30251 and the certified LUP.

C. PARKING AND PUBLIC ACCESS

Section 30252 of the Coastal Act states in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. Section 30210 of the Coastal Act requires the provision of maximum public access. Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast by providing adequate parking or alternative means of transportation. When new development does not provide adequate on-site parking and there are inadequate alternative means of reaching the area (such as public transportation), users of that development are forced to occupy public parking that could be used by visitors to the coast. A lack of public parking and public transportation will discourage visitors from coming to the beach and other visitor-serving activities in the coastal zone. A parking deficiency will therefore have an adverse impact on public access. Until adequate public transportation is provided, all private development must, as a consequence, provide adequate on-site parking to minimize adverse impacts on public access.

The project site is located several hundred feet from the eastern border of San Clemente State Beach, is across the street and immediately south of a southbound off-ramp of Interstate 5, and is adjacent to Avenida Calafia, which is the main entry road into the State Beach. Due to its location and the availability of parking closer to the beach, the public streets around the subject site are not regularly used for public parking by beach-goers. The area immediately surrounding the project area is a mix of residential and commercial and is not currently a highly utilized tourist destination, although future redevelopment could increase its popularity. The property between the site and the state park is the site of the San Clemente Inn, a lower-cost overnight accommodation, which is a high-priority

use under the Coastal Act. As such, it is necessary to require project proponents to provide adequate on-site parking to serve the demand of the development, thereby maintaining on-street parking for the general public.

The applicant is proposing a new 12,300 sq.ft. office complex with 41 parking spaces including both surface and subterranean parking. Within San Clemente's Coastal Zone, the Commission typically applies the City's parking standards. In this area, the City requires 1 space per 300 sq.ft. of office floor area. Thus, the proposed project requires 41 parking spaces. As proposed, the project provides adequate parking to meet the City's parking standards. As such, public parking will not be adversely impacted by the proposed development, and the project will not have an adverse impact on the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore the development conforms to Sections 30210 and 30252 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored...

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states, in pertinent part:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters via the storm drain system. The City has required that the project be designed to meet all requirements of the National Pollutant Discharge Elimination System (NPDES), Federal, State, and San Diego Regional Water Quality Control Board regulations, in order to control pollutant run-off. To specially ensure that potential water quality impacts are minimized, Special Condition 4 requires that the applicant comply with construction-related Best Management Practices (BMPs), and Special Condition 6 requires implementation of post-construction BMPs. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site.

As conditioned, the project will minimize the effect of construction and post-construction activities on the marine environment. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230, 30231 and 30232 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. LOCAL COASTAL PROGRAM

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding enhancement of view corridors, the provision of public access, and the preservation of water quality. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the visual resources, public access, and water quality policies of the Coastal Act. Mitigation measures, in the form of special conditions requiring the protection of public views and water quality, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.